THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.22598 of 2005

DATED: 20-10-2005

BETWEEN:

K.Sayanna .. Petitioner

And

The Election Authority/District

Collector, Nizamabad and others .. Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.22598 of 2005

ORDER:

The grievance of the petitioner, who is the only person that filed the nomination for the 6th ward in the elections to the Primary Agricultural Cooperative Society, Jakora, Nizamabad District, is that his nomination was erroneously rejected by the Election Officer (second respondent) on the ground that he has a fair price shop, though, the same is not a disqualification for contesting the elections to the Cooperative Society as per the provisions of the A.P. Cooperative Societies Act, 1964 or the rules made thereunder. Since the acceptance or rejection of a nomination is an intermediary stage of election, and since it is well known that this Court would not generally interfere in election process when once election petition is set in motion, as held by this Court in **V.NARAYANA v ELECTION OFFICER,MUNICIPAL COMMISSIONER, ALWAL MUNICIPALITY, R R DISTRICT AND ANOTHER, A.P.SARPANCH ASSOCIATION AND OTHERS v GOVERNMENT OF A.P. PANCHAYAT RAJ DEPARTMENT AND OTHERS,**

GUTHAKONDA KANAKA DURGA v STATE ELECTION COMISSIONER, GOVERNMENT OF ANDHRA PRADESH, HYDERABAD AND OTHERS AND the Apex Court in **C.SUBRAHMANYAM v K.RAMANJANEYULU AND OTHERS** the remedy of the petitioner, if any, is to file a petition before the tribunal questioning the rejection of his nomination, but this Court cannot under Article 226 of the Constitution of India, grant relief to him.

Therefore, this writ petition is dismissed with a direction to the petitioner to file a petition before the concerned Tribunal questioning the rejection of his nomination. No costs.

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20-10-2005

Note: cc in two days

B/o kvrm